

## **Kirklees Local Plan Examination**

### **Stage 4 – Matter 27 – Cooper Bridge (E1832c)**

#### **Response to the Inspectors request for the Council to consider alternative site options as presented in the Public Benefits and Exceptional Circumstances Statement (Appended to M27.1, pages 15–20)**

**8 May 2018**

#### **1. Introduction**

##### **Purpose of the note**

- 1.1 During the Stage 4 (strategic employment sites) examination hearings the Council clarified there were no better alternative site options to site E1832c and made reference to both the rejected site options report (LE4.1) and additional sites highlighted in the council Matters Issues and Questions (MIQ) response (M27.1). It was clarified during the hearing session with the Inspector that some of these additional sites highlighted in the MIQ response had not been assessed through the site allocations process as they were not promoted during the Local Plan preparation. Consequently the Inspector requested that the Council carry out an appraisal of these sites and present their findings in a note.
- 1.2 This note has been prepared in response to this request and presents the findings for each of the site appraisals and provides justification for the inclusion of site E1832c as the most suitable alternative to meet the Kirklees Districts employment needs.

#### **2. Alternative sites**

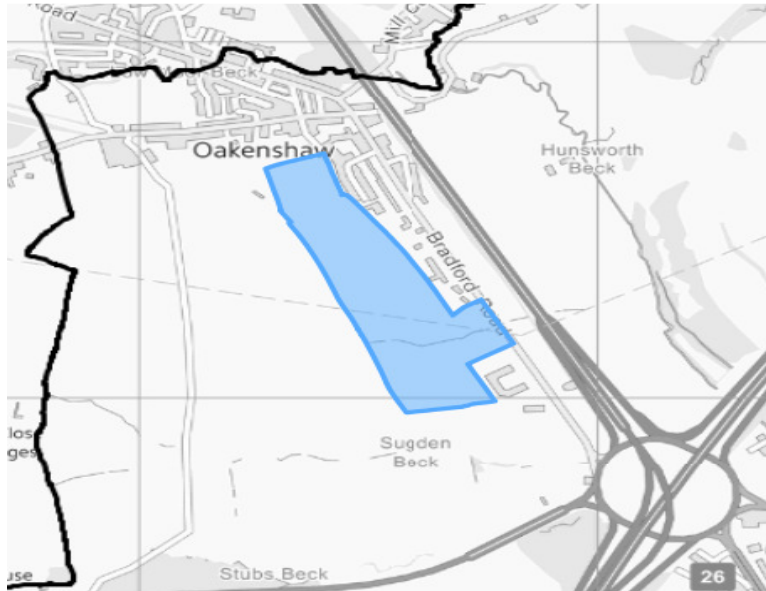
- 2.1 Within the joint Public Benefits and Exceptional Circumstances statement between the Council and the site promoter, other potential sites were presented to further justify the exceptional circumstances case for the release of green belt and allocate E1832c for employment. This joint statement was appended to the MIQ response (M27.1).
- 2.2 Pages 15 – 20 of the appended statement present a total of six potential site alternatives. Each of these have been presented in chapter 3 below and include an indicative site boundary and site appraisal. The order of site appraisals seek to prioritise two of the six sites which have been promoted through the Local Plan process already. These options have not been assessed further and instead a brief summary of the assessment findings and reference to the full appraisal outcomes has been made.

- 2.3 In terms of the remaining four site alternatives it should be noted that these did not form part of the Local Plan process due to not being promoted through the call for sites process. In view of this all four sites raise immediate questions over their employment credibility due to a lack of willing land owner, a key requirement in ensuring a sites viability and deliverability as set out in paragraph 173 of the National Planning Policy Framework (NPPF).

### 3. Site appraisal

- 3.1 It should be noted that the following appraisals have been undertaken and supplement the analysis already provided in the Public Benefits and Exceptional Circumstances Statement (M27.1) at paragraphs 4.61 – 4.84.
- 3.2 The following sites (sites 3 and 5) identified in the Public Benefits and Exceptional Circumstances statement (M27.1) had already been submitted through the Local Plan process, subsequently these have already been subject to the site options technical appraisal process. In view of these both options have not been appraised as part of this exercise but instead the findings of the original appraisals have been summarised below.

#### Site 3: Bradford Road/Sykes Lane, Oakenshaw (Rejected site E2700)



- 3.3 This site has been submitted through the Local Plan process and registered as site option E2700. An assessment of E2700 was undertaken in compliance with the Local Plan Methodology Statement Part 2 (BP23, pages 9-12).
- 3.4 It was concluded through this assessment to reject the site option. The conclusion reads:

***“Highways England confirm there is potential for impact on the SRN. Some committed mitigation schemes underway but further mitigation would be required. The southern extent of the site would significantly undermine the strategic role of the green belt in preventing the merger of Oakenshaw with Cleckheaton. The green belt overwashes the lower density ribbon development and the industrial park to the west of Bradford Road in order to prevent the intensification of built form and to prevent any depth of development to the west and so maintain the appearance of separation which would be lost should the option be accepted.***

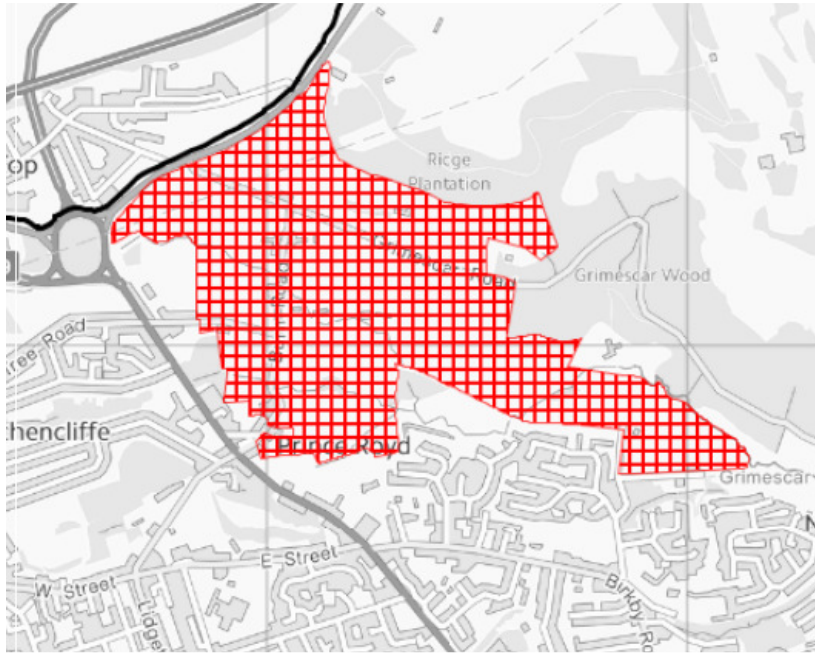
***Alternative green belt employment options have been assessed in this area and are considered better alternatives. Sufficient land has been identified to meet the needs of industry therefore exceptional circumstances cannot be demonstrated for the release of land in the green belt at this location. Option rejected.”***

- 3.5 For the full assessment outcomes please refer to the Kirklees Publication Draft Local Plan Rejected Site Options Report – Revised July 17 (LE4.1, page 38).

**Site 5: Brighouse Road, Ainley Top, J24 M62 (part of rejected site MX1904)**



### Rejected site option MX1904



- 3.6 This site is greenfield with an area of approximately 7ha and is bounded by Brighthouse Road, woodland and Burn Road. It is dissected by Grimescar Road and, as a result, forms a smaller triangular area and a broadly rectangular section. It slopes gently to the south and is crossed by overhead pylons
- 3.7 The area within which this site falls forms part of a larger mixed use site option (MX1904) presented to the Council through the call for sites exercise. It was concluded through this assessment to reject the site option. The conclusion reads:

***“The site is a rejected mixed use option. This is an area of attractive and prominent countryside with countryside features including Grimescar Dike and its associated important wildlife habitats, a significant number of protected trees which define the edge of the settlement and Grimescar Wood and Gernhill Wood areas of ancient woodland. Although the site is large enough to maintain a buffer with the areas of ancient woodland, development that respected the watercourse and its habitats would have a poor relationship with the existing settlement form, being effectively detached from it. The extent of the site on its northern edge on steeply rising ground would impact significantly in long distance views and therefore be detrimental to the openness of the wider green belt.”***

- 3.8 For the full assessment outcomes please refer to the Kirklees Publication Draft Local Plan Rejected Site Options Report – Revised July 17 (LE4.1, page 500).
- 3.9 The Public Benefits and Exceptional Circumstances Statement (M27.1) introduces a further four site alternatives (sites 1, 2, 4 and 6). These have not

been promoted through the Local Plan process. As indicated at paragraph 2.3 due to the lack of site promoter, and therefore a lack of a willing landowner, questions over their employment credibility are raised due to a lack of evidence to support their viability and deliverability to address NPPF paragraph 173. However, on the basis of the alternatives presented the Council has undertaken a basic constraints assessment. The appraisal has broadly followed the methodology set out in the Kirklees Employment Market Strength Assessment (LE11) at paragraphs 2.33 – 2.42.

- 3.10 The full site appraisals have been attached at Appendix 1 and a summary of the findings have been provided below

**Site 1: Howden Clough Road, adjacent to Birstall Retail Park, J27 M62**



**3.11 Site 1 conclusion:**

This site has not been promoted through the local plan process therefore no willing landowner has been established. There are constraints affecting the site notably the restricted access to the site and lack of sufficient visibility splays onto Leeds Road. In addition, a pylon exists to the south east of the site and parts of the site are affected by a steep slope.

### Site 2: Whitehall Road West (A58), Hunsworth J26 M62



#### 3.12 Site 2 conclusion:

This site has not been promoted through the local plan process therefore no willing landowner has been established. There are constraints affecting the site notably a beck and protected tree bank to the east and the presence of pylons to the north east of the site. The site lies in close proximity to neighbouring residential properties to the west therefore there is a potential for conflict with these uses.

### Site 4: Oakenshaw Lane, Oakenshaw, J26 M62



#### 3.13 Site 4 conclusion:

This site has not been promoted through the Local Plan process and therefore a willing land owner cannot be demonstrated. There are constraints affecting the site notably Oakenshaw Lane being a narrow un-adopted road with poor alignment and sight lines making it unsuitable to serve a large employment site. There is potential for contamination and conflict with the neighbouring residential area at the sites northern extent.

Both a coal referral area and the middle HSE zone fall within the site and an electricity pylons run across the middle.

#### **Site 6: Land to the rear of New Hey Road, Mount, J23 M62**



#### **3.14 Site 6 conclusion**

This site has not been promoted through the Local Plan process and therefore a willing land owner cannot be demonstrated. Site access is not achievable and is topographically constrained. There is some potential for conflict with neighbouring residential areas to the northern and eastern edge. Southern extent of the site is affected by ancient woodland, TPO's and an area of Local Wildlife Significance. There is potential for contamination, site would require a site contamination assessment.

### **4 Conclusion**

- 4.1 Based on the appraisals of the six alternative site options presented within this paper it has been demonstrated that these site options are not considered to be better alternatives to strategic employment site E1832c at Cooper Bridge. With regards to site options 3 and 5 these have either been submitted through the Local Plan process (site 3) or form part of a wider site option (site 5) submitted through the Local Plan process and subsequently rejected. The justification for their rejection has been summarised at paragraphs 3.4 and 3.7 above.
- 4.2 Alternative site options 1, 2, 4 and 6 were introduced through the Council's Matters, Issues and Questions (MIQ) response (M27.1) and formed part of the appended Public Benefits and Exceptional Circumstances statement. In all instances these sites have not been submitted through the Local Plan process and cannot therefore demonstrate a willing land owner. In view of this all four sites raise immediate questions over their employment credibility due to a lack of willing land owner, a key requirement in ensuring a sites viability and deliverability as set out in paragraph 173 of the National Planning Policy

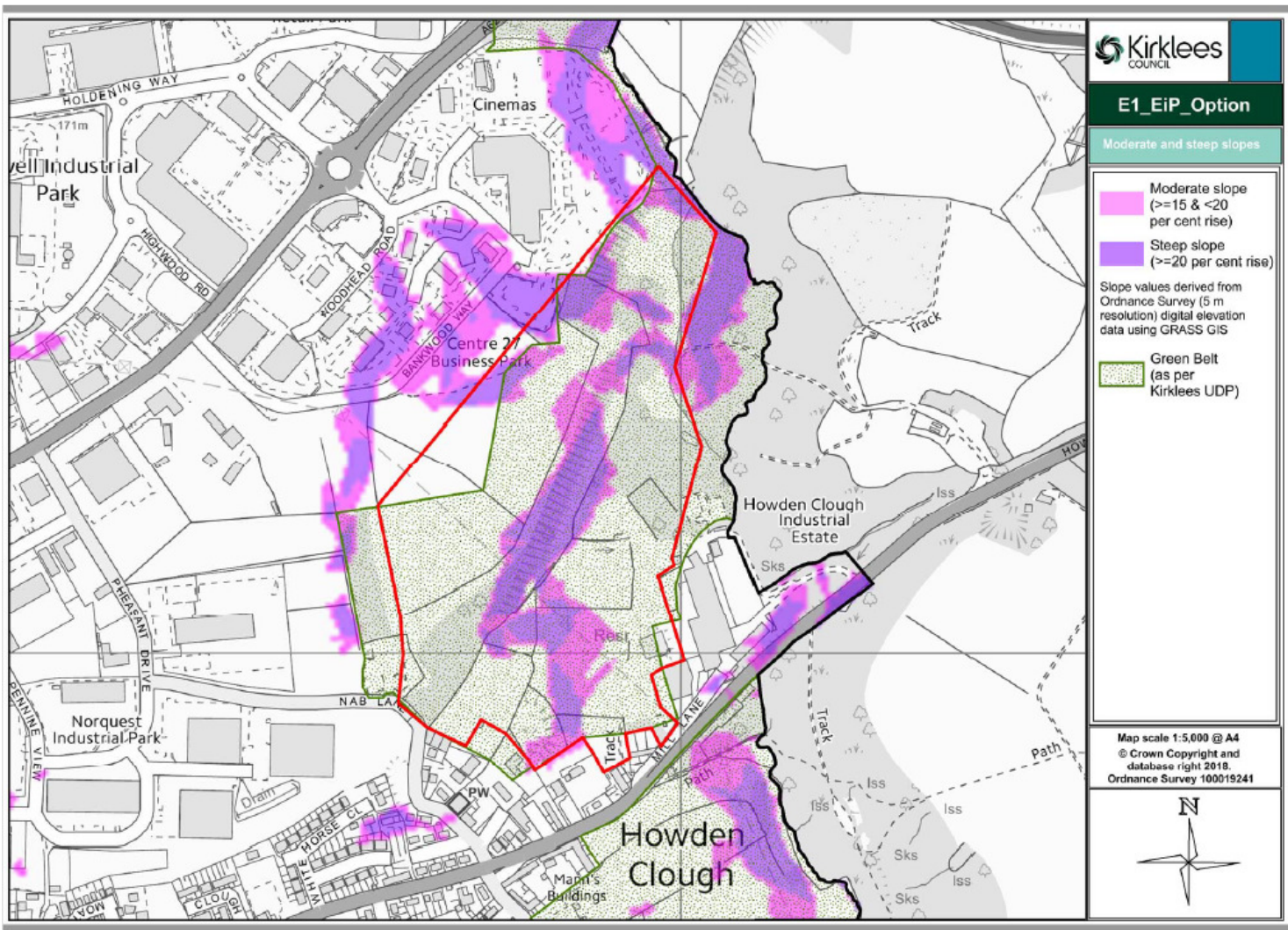
Framework (NPPF). Notwithstanding it has also been demonstrated through the site appraisals that each site are affected by a varying degree of constraint raising further questions over their viability and deliverability. Key issues identified relate to site access and topography and to a lesser extent infrastructure and sites of wildlife significance crossing certain sites.



## **APPENDIX 1: Site appraisals**

<b>Site 1</b>	
<b>BASIC INFORMATION</b>	
Site address	Howden Clough Road, adjacent to Birstall Retail Park, J27 M62
Market zone	North Kirklees and within 5 minute drive time of motorway
Strategic site	Yes – scale and location of site could provide a site of strategic significance
Gross site area	16.46
Available site area	Unknown
Planning permissions (B1/B2/B8)	None
Planning permissions (non – B1/B2/B8)	89/04502 – Proposed mineral extraction
<b>SITE ASSESSMENT</b>	
<b>Market Attractiveness</b>	Unlikely to be attractive to the market – unsuitable site access to serve a large employment site
Market activity	None
Strategic Accessibility	Close proximity to J27 M62 but no appropriate access to serve the site
Adjacent uses	Retail, leisure, industrial and residential
<b>Site Constraints</b>	Significant site constraints – topography and site access
Highways	<p>There are potentially 2 points of access, Mill Lane to the south east and Nab Lane to the south west.</p> <p>Mill Lane to A643 Leeds Road:</p> <p>This access which is shared with existing residential housing is a steep and narrow un-adopted road leading to Howden Clough Industrial Estate. This meets Leeds Road at an acute angle which will make turning and maneuver difficult and sight lines onto Leeds Road are poor. This access is not considered suitable for any further intensification or to serve a large employment site.</p> <p>Nab Lane to A643 Leeds Road:</p>

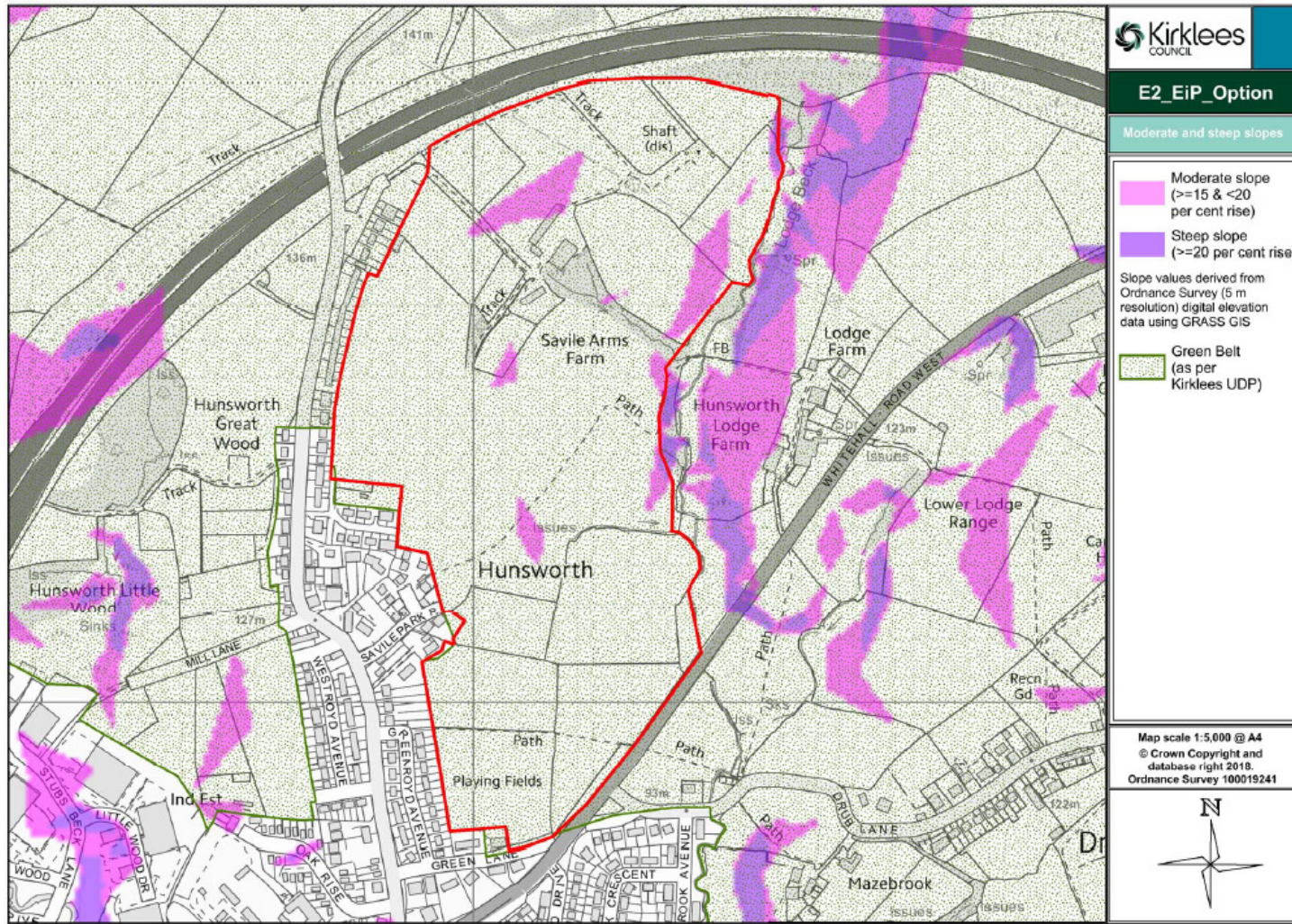
	This is a steep and narrow adopted residential road which would be considered unsuitable to form an access to a large employment site.
Contamination	Site is potentially contaminated with landfill gas/radon. Will report a contamination report.
Topography	Steeplly sloping through the middle of the site and along the north western edge
Other physical constraints	Site within a coal referral area. Will require a coal mining risk assessment. Site within middle zone of hazardous material site. Pylon to south east of the site.
<b>SITE ASSESSMENT – ACHIEVEABILITY</b>	
Willing land owner	<b>No</b>
Capacity to bring development forward over the plan period	This site has not been promoted through the local plan process therefore no willing landowner has been established. There are constraints affecting the site notably the restricted access to the site and lack of sufficient visibility splays onto Leeds Road. In addition, a pylon exists to the south east of the site and parts of the site are affected by a steep slope.



<b>Site 2</b>	
<b>BASIC INFORMATION</b>	
Site address	Whitehall Road West (A58), Hunsworth J26 M62
Market zone	North Kirklees and within 5 minute drive time of motorway
Strategic site	Yes – scale and location of site could provide a site of strategic significance
Gross site area	27.58
Available site area	Unknown
Planning permissions (B1/B2/B8)	None
Planning permissions (non – B1/B2/B8)	95/90729 - ERECTION OF DETACHED BUNGALOW WITH INTEGRAL GARAGE 2001/90418 - ERECTION OF DETACHED BUNGALOW WITH INTEGRAL GARAGE 90/06971 - ERECTION OF GLASSHOUSE 2003/93599 - ERECTION OF AGRICULTURAL BUILDING AND IMPLEMENT SHED
<b>SITE ASSESSMENT</b>	
<b>Market Attractiveness</b>	May be attractive to the market
Market activity	None
Strategic Accessibility	Close proximity to J26 M62
Adjacent uses	Residential and agricultural
<b>Site Constraints</b>	Moderate constraints – protected trees, beck and pylon.
Highways	There are potentially 4 points of access, A58 Whitehall Road West to the south east, Green Lane to the south and Savile Park Road and Plane Trees Close to the west. The M62 motorway is located to the north of the site.  Green Lane, Savile Park Road and Plane Trees Close are all residential cul-de-sacs off Hunsworth Lane and are unsuitable to serve a large employment site.

	A 58, Whitehall Road West. There is a 250 metre frontage onto Whitehall Road West which could potentially form an access into this site. Given the size of the proposed development and to enable an informed assessment of the site any application should include a Transport Assessment. The scope of the Transport Assessment should be agreed with Highways Development Management, and could include details of proposed traffic generation, access to the site by various travel modes, accident analysis, assessment of key junctions possibly including but not limited to A651 junction at Birkenshaw and the M62 Chainbar junction at Cleckheaton, and site access design and service arrangements.
Contamination	Site is potentially contaminated. Contaminated land report will be required.
Topography	Predominantly flat
Other physical constraints	There is a beck and protected trees to the east of the site. Pylon runs to the north east of the site. Buffer will be required.
<b>SITE ASSESSMENT – ACHIEVEABILITY</b>	
Willing land owner	<b>No</b>
Capacity to bring development forward over the plan period	This site has not been promoted through the local plan process therefore no willing landowner has been established. There are constraints affecting the site notably a beck and protected tree bank to the east and the presence of pylons to the north east of the site. The site lies in close proximity to neighbouring residential properties to the west therefore there is a potential for conflict with these uses.

## Site 2: Slope analysis

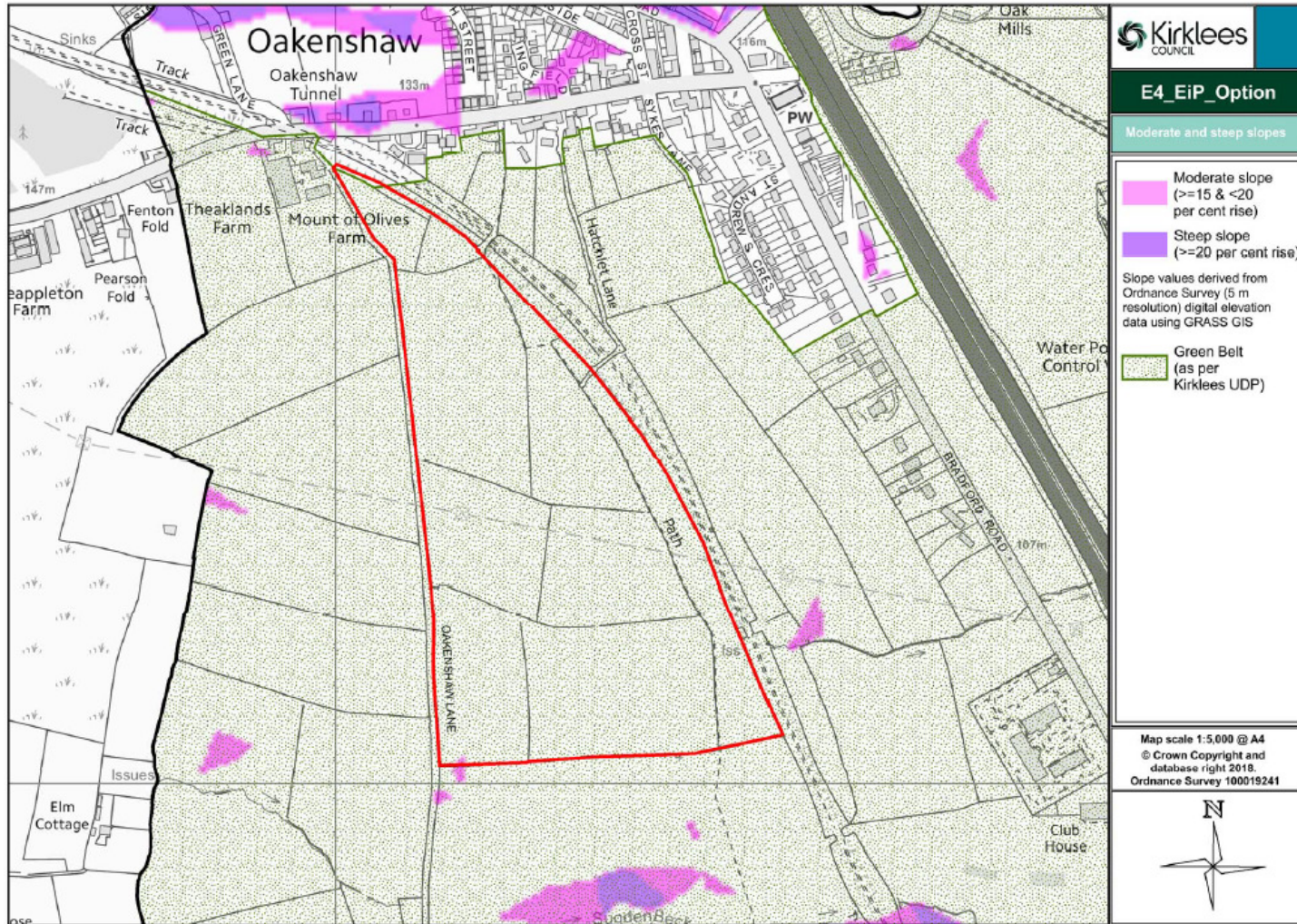


<b>Site 4</b>	
<b>BASIC INFORMATION</b>	
Site address	Oakenshaw Lane, Oakenshaw, J26 M62
Market zone	North Kirklees and within 5 minute drive time of motorway
Strategic site	Yes – scale and location of site could provide a site of strategic significance
Gross site area	16.39
Available site area	Unknown
Planning permissions (B1/B2/B8)	None
Planning permissions (non – B1/B2/B8)	2000/93492 - CHANGE OF USE FROM AGRICULTURAL LAND TO EXTENSION OF GOLF COURSE
<b>SITE ASSESSMENT</b>	
<b>Market Attractiveness</b>	Unlikely to be attractive to the market – no road frontage
Market activity	No evidence of employment marketing
Strategic Accessibility	Close proximity to J26 M62
Adjacent uses	Leisure and residential
<b>Site Constraints</b>	Significant development constraints due to site access
Highways	<p>This is a triangular piece of land with Oakenshaw Lane to the west, a cycle track to the east and Cleckheaton Golf club to the south.</p> <p>Oakenshaw Lane is a narrow un-adopted, unmade lane with poor alignment and sight lines at its junction with Wyke Lane.</p> <p>Oakenshaw Lane is considered unsuitable to serve a large employment site.</p>
Contamination	Land is potentially contaminated with parts confirmed as contaminated. Therefore a site contamination assessment will be required.
Topography	Relatively flat



Other physical constraints	Site falls within the coal referral area and falls entirely within the middle HSE zone. Electricity pylons cross the middle of the site. Buffers either side will be required.
<b>SITE ASSESSMENT – ACHIEVEABILITY</b>	
Willing land owner	<b>No</b>
Capacity to bring development forward over the plan period	This site has not been promoted through the Local Plan process and therefore a willing land owner cannot be demonstrated. There are constraints affecting the site notably Oakenshaw Lane being a narrow un-adopted road with poor alignment and sight lines making it unsuitable to serve a large employment site. There is potential for contamination and conflict with the neighbouring residential area at the sites northern extent. Both a coal referral area and the middle HSE zone fall within the site and an electricity pylons run across the middle.

### Site 4: Slope analysis



<b>Site 6</b>	
<b>BASIC INFORMATION</b>	
Site address	Land to the rear of New Hey Road, Mount, J23 M62
Market zone	Huddersfield and within 5 minute drive time of motorway
Strategic site	Yes – scale and location of site could provide a site of strategic significance
Gross site area	11.98
Available site area	Unknown
Planning permissions (B1/B2/B8)	None
Planning permissions (non – B1/B2/B8)	2009/93158 - Agricultural notification for prior approval of erection of agricultural building
<b>SITE ASSESSMENT</b>	
<b>Market Attractiveness</b>	<b>Unlikely to be attractive to the market – no road frontage</b>
Market activity	No evidence of employment marketing
Strategic Accessibility	Close proximity to J23 M62
Adjacent uses	Agricultural and residential
<b>Site Constraints</b>	<b>Significant constraints – topography and access</b>
Highways	This is land to the south of the M62 motorway and New Hey Road at Lindley. The red line does not extend as far as New Hey Road to the north of the site. South Lane to the east of the site is a narrow un-adopted unmade lane which leads to Ray Gate. Ray Gate is adopted but is narrow, very steep with poor alignment at its junction with New Hey Road and consequently unsuitable to serve a large employment site.
Contamination	Site is potentially contaminated. Site contamination assessment will be required.
Topography	Site is steeply sloping along the north eastern, eastern and southern edge. There is a degree of steep and moderate slope affecting the middle of the site.
Other physical constraints	Ancient woodlands (Shaw Wood) affect the southern extent of the site and is recognised for its wildlife significance. This area is also a Local Wildlife Site (LWS44), part of the Wildlife Habitat Network. TPO's affect this area.

SITE ASSESSMENT – ACHIEVEABILITY	
Willing land owner	No
Capacity to bring development forward over the plan period	This site has not been promoted through the Local Plan process and therefore a willing land owner cannot be demonstrated. Site access is not achievable and is topographically constrained. There is some potential for conflict with neighbouring residential areas to the northern and eastern edge. Southern extent of the site is affected by ancient woodland, TPO's and an area of Local Wildlife Significance. There is potential for contamination, site would require a site contamination assessment.

## Site 6: Slope analysis

